

## **Remarks**

The Office Action dated June 15, 2001 has been carefully reviewed. Claims 1-3, 5-11, 13-18 and 20-25 are pending in this patent application. Reconsideration of this application, in light of the following remarks, is respectfully requested.

### **Allowable Subject Matter**

It is also noted that the Examiner states claims 1-3, 5-11, 13-18 and 20 are allowable over the art of record.

### **35 U.S.C. § 103(a) Rejection of Claims 21, 22 and 24 (Burton '596 in view of Wiechman '236)**

Claims 21, 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Burton (U.S. Patent No. 5,769,596) in view of Wiechman (U.S. Patent No. 6,099,236). Specifically, the Examiner states the following on page 3, lines 1 through 2 of the Office Action:

It would have been obvious to substitute a boom and linkage as claimed for the boom and cylinders in Burton in view of the teaching in Wiechman.

### **Discussion of Claim 21**

Claim 21 reads as follows:

21. A method of verifying proper coupling of an implement assembly to a lift arm assembly by an operator who is located in a cab of a work machine, with (i) the work machine including the implement assembly, the lift arm assembly, and a linkage assembly mechanically coupled to the implement assembly (ii) the implement assembly including a hinge plate, (iii) the hinge plate having a first coupling aperture extending therethrough, (iv) the lift arm assembly having a lift arm and a cylinder, and (v) the cylinder being secured to the lift arm, comprising the steps of:

actuating the cylinder so as to move a pin from a first pin position to a second pin position, wherein (i) the pin is spaced apart from the first coupling aperture when the pin is located in the first pin position,

and (ii) the pin extends through the first coupling aperture when the pin is located in the second pin position; and

**viewing the pin when the pin is located in the second pin position by the operator from a position within the cab, wherein the view of the pin by the operator from the position within the cab is unobstructed by the linkage assembly. (Emphasis added.)**

Based upon the language recited in claim 21 the Examiner will appreciate that the method thereof requires viewing the pin by an operator located within the cab wherein the view of the pin by the operator is unobstructed by the linkage assembly.

#### Discussion of the Proposed Burton/Wiechman Combination

Burton is directed to providing a coupler in which the pins are shifted between their latched and unlatched positions by an electrical actuator which may be quickly and easily connected with the electrical system of the vehicle. However, Burton is completely devoid of any discussion regarding a method of verifying proper coupling of an implement assembly to a lift arm assembly by an operator who is located in a cab of a work machine, wherein the method requires viewing the pin by the operator when the operator is located within the cab and wherein the view of the pin by the operator is unobstructed by the linkage assembly.

Wiechman is directed to an apparatus and method for controlling movement of an implement relative to a frame of a work machine. Like Burton, Wiechman is also completely devoid of any discussion regarding a method of verifying proper coupling of an implement assembly to a lift arm assembly by an operator who is located in a cab of a work machine, wherein the method requires viewing the pin by the operator when the operator is located within the cab and wherein the view of the pin by the operator is unobstructed by the linkage assembly. Accordingly, the proposed Burton/Wiechman combination does not arrive at the invention of claim 21. Therefore, a prima facie case of obviousness

has not been established and the Applicants respectfully requests that the subject rejection be withdrawn.

If the Examiner maintains the subject rejection after considering the above discussion Applicants respectfully request that he point out with particularity where in Burton and/or Wiechman is there a teaching or a suggestion of a method of verifying proper coupling of an implement assembly to a lift arm assembly by an operator who is located in a cab of a work machine, wherein the method requires viewing the pin by the operator when the operator is located within the cab and wherein the view of the pin by the operator is unobstructed by the linkage assembly.

#### Discussion Re: Patentability of Claims 22 and 24

Each of claims 22 and 24 include claim 21 as a base claim. As a result, each of claims 22 and 24 is believed to be allowable for the reasons hereinbefore discussed with regard to claim 21.

#### **35 U.S.C. § 103(a) Rejection of Claims 21-25 (Burton '596 in view of Kovacs '979)**

Claims 21-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Burton (U.S. Patent No. 5,769,596) in view of Kovacs (U.S. Patent No. 5,678,979). Specifically, the Examiner states the following on page 3, lines 5 through 6 of the Office Action:

It would have been obvious to substitute a boom and linkage as claimed for the boom and cylinders in Burton in view of the teaching in Kovacs.

#### Discussion of Claim 21 and Burton

The limitations of claim 21 are discussed above as well as the deficiencies of Burton.

#### Discussion of Kovacs

Kovacs is directed to lift arm(s) and tilt linkage mechanisms by way of which implements are raised, lowered and angularly adjusted relative to load lifting vehicles. However, like Burton and Wiechman, Kovacs is also completely devoid of any discussion regarding a method of verifying proper coupling of an implement assembly to a lift arm assembly by an operator who is located in a cab of a work machine, wherein the method requires viewing the pin by the operator when the operator is located within the cab and wherein the view of the pin by the operator is unobstructed by the linkage assembly. Accordingly, the proposed Burton/Kovacs combination does not arrive at the invention of claim 21. Therefore, a prima facie case of obviousness has not been established and the Applicants respectfully requests that the subject rejection be withdrawn.

If the Examiner maintains the subject rejection after considering the above discussion Applicants respectfully request that he point out with particularity where in Kovacs is there a teaching or a suggestion of a method of verifying proper coupling of an implement assembly to a lift arm assembly by an operator who is located in a cab of a work machine, wherein the method requires viewing the pin by the operator when the operator is located within the cab and wherein the view of the pin by the operator is unobstructed by the linkage assembly.

#### Discussion Re: Patentability of Claims 22-25

Each of claims 22-25 include claim 21 as a base claim. As a result, each of claims 22-25 is believed to be allowable for the reasons hereinbefore discussed with regard to claim 21.

## Conclusion

In view of the foregoing remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,



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